

THIS IS NOT A LEGAL OPINION AND IS NONBINDING.

In December 2003, the Governor signed the State Officials and Employees Ethics Act ("the Ethics Act"). That legislation contains rules and enforcement mechanisms designed to ensure that all State employees work with integrity and effectiveness. One feature of the legislation is the requirement that State employees participate in regular ethics training. The following are other significant areas that were impacted by the Ethics Act. Please note that unless otherwise indicated, the "section numbers" (e.g., "§5-5"), associated with each topic listed below, refer to the relevant sections of the State Officials and Employees Ethics Act (5 ILCS 430).

This is a summary and should not be considered a legal opinion or binding on the Office of Executive Inspector General for the Agencies of the Illinois Governor.

Personnel Policies §5-5

Personnel Policies must be adopted and implemented for State employees, officials and appointees ("employees"). The personnel policy must include rules and guidance regarding:

- Work time requirements;
- Documentation of time worked;
- Documentation for reimbursement for travel on official State business;
- Compensation;
- Earning and accrual of State benefits for those State employees eligible for benefits;
- Time sheets.

Time Sheets §5-5(c)

Each Agency shall require all employees to periodically submit time sheets. The time sheets must document to the nearest quarter hour the time the employee spent each day on official State business. Time sheets may be maintained on paper or in electronic format. The time sheets must be maintained by the Agency's fiscal office for a period of at least two years.

Holders of State Contracts §5-55

A person, his or her spouse, or any immediate family member living with that person, **cannot** serve on a board, commission, authority or task force if he or she meets any of the following criteria:

- The person has more than a **7 ½ percent interest** in a State contract;
- The person, together with his or her spouse and immediate family members living with them, have more than a **15 percent interest** in a State contract.

This ban does **not** apply if one of the following exceptions occur:

- The contract in question is an **employment contract**.
- The person, the spouse, or the immediate family member is serving in an **elective public office**.
- The person, the spouse, or the immediate family member is serving on an **advisory body** that makes **non-binding recommendations but does not take substantive action**.

Any person who serves on a board, commission, authority or task force under one of these exceptions must recuse him or herself from any decision that may affect the contract in question. Any individual appointed to a board, commission, authority or task force **must disclose all contracts** the individual has with the State.

Conflicts of Interest 5 ILCS 420/3A-35

An appointee to a board, commission, authority or task force **cannot** have or acquire a contract or a direct pecuniary interest in a contract with the State that is related to the board, commission, authority or task force on which they sit.

Prohibited Political Activities §5-15

A State employee **cannot** participate in any of the following activities during any compensated time (other than vacation, personal, or compensatory time off). An employee may **never** engage in any of these activities using State resources (such as State office telephones, State cell phones, photocopiers, or computers).

- **Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event.**
- **Solicit contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.**
- **Solicit, plan the solicitation of, or prepare any document or report regarding anything of value intended as a campaign contribution.**
- **Plan, conduct, or participate in a public opinion poll in connection with a campaign for elective office, on behalf of a political organization for political purposes, or for or against a referendum.**
- **Survey or gather information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office, on behalf of a political organization, or for or against a referendum.**
- **Assist at the polls on Election Day on behalf of any political organization, political candidate, or referendum question.**
- **Solicit votes on behalf of a candidate, political organization, for or against a referendum, or help in an effort to get voters to the polls.**
- **Initiate, prepare, circulate, review or file a petition on behalf of a candidate for elective office or for or against any referendum.**
- **Make a contribution on behalf of any candidate for elective office.**
- **Prepare or review responses to candidates' questionnaires.**
- **Distribute or prepare campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum.**
- **Campaign for an elective office or for or against a referendum.**
- **Manage or work on a campaign for elective office or for or against a referendum.**
- **Serve as a delegate, alternate, or proxy to a political party convention.**
- **Participate in a vote recount.**

Prohibited Offer or Promise §5-30

A State employee **cannot** promise anything of value related to State government in consideration for a contribution to a political committee, political party or a candidate for political office.

Contributions on State Property §5-35

Political campaign contributions **cannot** be solicited, accepted, offered or made on State property.

Ban on Gifts from Prohibited Sources §10-10 et seq.

A State employee **cannot** solicit or accept a gift from a prohibited source.

There are a limited number of **exceptions** to this ban on gifts. Only the following 12 types of gifts are exceptions to the ban and can be accepted by State employees, officers and appointees from prohibited sources:

- Opportunities, benefits and services **available to the general public** on the same terms.
- Anything for which the employee **paid market value**.
- A **lawful contribution** under the Election Code.
- **Educational materials and missions.**
- **Travel expenses** for a meeting to discuss **State business**.
- A **gift** from a **relative**.
- Anything provided on the basis of **personal friendship**.

- **Food or drink that does not exceed \$75 per calendar day.**
- Food, drink, lodging and transportation **related to outside business, employment or activities**, if the benefits are **customarily provided** to others in similar circumstances.
- **Intra-governmental or inter-governmental gifts** (e.g. gifts between agency employees or between government employees).
- **Bequests, inheritances**, and other transfers at death.
- Any item or items from **any one prohibited source** during any **calendar year** that has a cumulative total value of **less than \$100**.

If an employee receives an improper gift from a prohibited source, s/he can rectify the situation and not be in violation of the ban if s/he immediately does any of the following:

- **Return** the gift to the giver.
- **Give** the gift to a **not-for-profit organization**, a 501(c)(3) organization.
- **Give** an amount of **equal value** to a **not-for-profit organization**, 501(c)(3) organization.

Revolving Door §5-45

Contract Decision-makers

If within one year before leaving State employment, a State employee participated personally and substantially in the decision to award **State contracts** with a cumulative value of **over \$25,000** to a person, entity, its parent or subsidiary, that State employee **cannot** knowingly **accept employment** or receive compensation or fees for services from that person, entity, or parent or subsidiary for **one year immediately after termination of State employment**.

Regulatory or Licensing Decisions

If within one year before the end of State employment, a State employee made a **regulatory or licensing decision** that **directly applied** to a person, entity, its parent or subsidiary, that State employee **cannot** knowingly **accept employment** or receive compensation or fees for services from that person, entity, or parent or subsidiary for **one year immediately after termination of State employment**.

Whistle Blower Protection §15-5 et seq.

An officer, State employee, or State agency **cannot** take any retaliatory action against a State employee for doing any of the following:

- **Disclosing** or threatening to disclose any practice or action that the State employee reasonably believes is in violation of the law.
- **Providing information or testifying** about any violation of the law by any officer, member, State employee, or State agency.
- **Assisting** or participating in a proceeding to enforce the State Officials and Employees Ethics Act.

Ethics Training §5-10

State employees, officers, or appointees **must** complete ethics training on an annual basis.

New State employees and appointees **must** complete ethics training within **six months** of their first day of employment or appointment.

IF, AFTER READING THE ABOVE, A STATE EMPLOYEE HAS A QUESTION RELATED TO AN AREA COVERED BY THE ETHICS ACT, S/HE SHOULD CONTACT THEIR AGENCY'S GENERAL COUNSEL OR ETHICS OFFICER. INDIVIDUALS WHO ARE NOT EMPLOYED BY THE STATE WHO HAVE QUESTIONS SHOULD CONSULT AN ATTORNEY.